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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,280	09/25/2001	Mitsuo Yasushi	Q66369	5293

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EXAMINER

WANG, LIANG CHE A

ART UNIT PAPER NUMBER

2155

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/961,280	<b>Applicant(s)</b> YASUSHI ET AL.	
	<b>Examiner</b> Liang-che Alex Wang	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1, 4-6 are presented for examination.
2. Claim 1, 4-5 are amended. Claim 3 is cancelled.

### ***The New Grounds of Rejection***

3. Applicant's amendment and argument with respect to claims 1, 4-6 filed on 7/28/2006 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.
4. Applicant argues Shiobara does not equate data that has a high priority level with a data type that changes more frequently resulting in a shorter update cycle. For example, if the priority level of data to be transmitted is low in Shiobara, data in the common memories 18 of the other nodes is not updated in accordance with a shorter update cycle.  
  
This is not found persuasive to the examiner, Shiobara in Col 5 lines 22-27, states "the higher the priority level of data to be transmitted, the more frequent communication of data are performed so the contents in the nodes are updated in a shorter cycle of the frequent communications involved" which clearly teaches data that has a high priority level with a data type that changes more frequently resulting in a shorter update cycle as claimed.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gernert et al., US Patent Number 6,694,366 hereinafter Gernert, in views of Torikai, US Patent Number 6,763,396, hereinafter Torikai, and in further views of Shiobara, US Patent Number 4,930,121, hereinafter Shiobara.
7. Referring to claim 1, Gernert teaches a data communication system (figure 6) comprising a server (host computer 130) having a first storage device in which a database is formed (host database 136), and a mobile communication device (item 120) for connecting to said server (item 130) through a network line (item 128), wherein: said mobile communication device (item 120) includes:
  - a. a second storage device (item 124) for storing a plurality of data signals each having a different data type related to a mobile unit (Col 7 lines 25-27, 61-65, Col 2 lines 50-65, data collected at mobile computer terminal are having different data types related to mobile unit);
  - b. transmitting means for transmitting each of the data signals stored in said second storage device at a timing corresponding an update condition (Col 7 line 64 – Col 7 line 1) (Col 8 lines 5-10); and
  - c. said server includes means for receiving a data signal transmitted from said transmitting means through said network line and for writing the received data signal into said first storage device to update the database (Col 7 lines 16-18, Col 8 lines 5-10).

Gernert does not explicitly teach a third storage device for storing an update table having an update cycle for data, and transmitting data at a timing corresponds to the update cycle.

However, Torikai teaches a storage device (item 31 figure 1) for storing an update table (setting memory session 13) having an update cycle for data (abstract and Col 2 line 66- Col 3 line 6 update cycle) and updates at a timing corresponds to the update cycle (abstract, Col 2 line 66- Col 3 line 12.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the update table having an update cycle of Torikai in Gernert such that to have the system update the data in the server at a time corresponds to the update cycle because both Gernert and Torikai teach data updating among servers and clients.

A person with ordinary skill in the art would have been motivated to make the modification to Gernert because having the system update at a time corresponds to a update cycle would allow updates being automatically acquired by the mobile device itself as taught by Gernert (Col 2 lines 57-61).

Furthermore, Gernert as modified does not explicitly teach where in the update cycle is shorter for a data type of the plurality of data signals that changes more frequently than another.

However, Shiobara teaches the update cycle is shorter for a data type that changes more frequently than another (Col 5 lines 22-27.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the frequency of update cycle of Shiobara in Gernert as modified because both Shiobara and Gernert as modified teaches invention relating to data updating via a network.

A person with ordinary skill in the art would have been motivated to make the modification to Gernert as modified because having the update in shorter cycle for frequent changed data would allow the system to have the most updated information.

8. Referring to claim 4, Gernert has taught a database updating method for updating a database (figure 6, item 136) in a data communication system (figure 6) which includes a server (item 130) having a first storage device in which a database is formed (item 136), and a mobile communication device (item 120) for connecting to said server (item 130) through a network line (item 128), said method comprising the steps of:
  - a. storing a plurality of data signals each having different data types related to a mobile unit (Col 7 lines 25-27, 61-65, Col 2 lines 50-65, data collected at mobile computer terminal are having different data types related to mobile unit) in a second storage device (item 124) provided in said mobile communication device (item 120);
  - b. transmitting each of the data signals stored in said second storage device at a timing corresponding (Col 7 line 64 – Col 7 line 1) to an update condition held for each of the data types (Col 8 lines 5-10); and

- c. receiving a data signal transmitted from said transmitting means through said network line and for writing the received data signal into said first storage device to update the database (Col 7 lines 16-18, Col 8 lines 5-10).

Gernert does not explicitly teach storing an update table having an update cycle for data, and transmitting data at a timing corresponds to the update cycle.

However, Torikai teaches a storage device (item 31 figure 1) for storing an update table (setting memory session 13) having an update cycle for data (abstract and Col 2 line 66- Col 3 line 6 update cycle) and updates at a timing corresponds to the update cycle (abstract, Col 2 line 66- Col 3 line 12.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the update table having an update cycle of Torikai in Gernert such that to have the system update the data in the server at a time corresponds to the update cycle because both Gernert and Torikai teach data updating among servers and clients.

A person with ordinary skill in the art would have been motivated to make the modification to Gernert because having the system update at a time corresponds to a update cycle would allow updates being automatically acquired by the mobile device itself as taught by Gernert (Col 2 lines 57-61).

Furthermore, Gernert as modified does not explicitly teach where in the update cycle is shorter for a data type of the plurality of data signals that changes more frequently than another.

However, Shiobara teaches the update cycle is shorter for a data type that changes more frequently than another (Col 5 lines 22-27.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the frequency of update cycle of Shiobara in Gernert as modified because both Shiobara and Gernert as modified teaches invention relating to data updating via a network.

A person with ordinary skill in the art would have been motivated to make the modification to Gernert as modified because having the update in shorter cycle for frequent changed data would allow the system to have the most updated information.

9. Referring to claim 5, Gernert has taught a mobile communication device (item 120, figure 6) for connecting to a server (item 130) having a first storage device in which a database id formed (item 136), through a network line (item 128), comprising:
  - a. a second storage device (item 124) for storing a plurality of data signals each having different data types related to a mobile unit (Col 7 lines 25-27, 61-65, Col 2 lines 50-65, data collected at mobile computer terminal are having different data types related to mobile unit);
  - b. transmitting means for transmitting each of the data signals stored in said second storage device at a timing corresponding (Col 7 line 64 – Col 7 line 1) to an update condition (Col 8 lines 5-10).

Gernert does not explicitly teach a third storage device for storing an update table having an update cycle for data, and transmitting data at a timing corresponds to the update cycle.



However, Torikai teaches a storage device (item 31 figure 1) for storing an update table (setting memory session 13) having an update cycle for data (abstract and Col 2 line 66- Col 3 line 6 update cycle) and updates at a timing corresponds to the update cycle (abstract, Col 2 line 66- Col 3 line 12.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the update table having an update cycle of Torikai in Gernert such that to have the system update the data in the server at a time corresponds to the update cycle because both Gernert and Torikai teach data updating among servers and clients.

A person with ordinary skill in the art would have been motivated to make the modification to Gernert because having the system update at a time corresponds to a update cycle would allow updates being automatically acquired by the mobile device itself as taught by Gernert (Col 2 lines 57-61).

Furthermore, Gernert as modified does not explicitly teach where in the update cycle is shorter for a data type of the plurality of data signals that changes more frequently than another.

However, Shiobara teaches the update cycle is shorter for a data type that changes more frequently than another (Col 5 lines 22-27.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the frequency of update cycle of Shiobara in Gernert as modified because both Shiobara and Gernert as modified teaches invention relating to data updating via a network.

A person with ordinary skill in the art would have been motivated to make the modification to Gernert as modified because having the update in shorter cycle for frequent changed data would allow the system to have the most updated information.

10. Referring to claim 6, Gernert as modified teaches a data communication system according to claim 1, wherein the update table has a preceding update date as well as the update cycle for each of the plurality of signal (Gernert Col 7 line 66 – Col 8 line 10.)

### *Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
12. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is

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(571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang *lw*  
September 27, 2006

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER